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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/923,186 | 08/06/2001 | William C. Wendlandt | 83072ASLP | 9482 |

7590 10/14/2003

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EXAMINER

GABOR, OTILIA

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|--|------------------------|---|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/923,186 | WENDLANDT ET AL. <i>MW</i> |
| Period for Reply | Examiner | Art Unit |
| | Otilia Gabor | 2878 |
| -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -- | | |
| <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION:</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication; even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | |
| Status | | |
| <p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>11 July 2003</u>.</p> <p>2a)<input checked="" type="checkbox"/> This action is FINAL. 2b)<input type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p> | | |
| Disposition of Claims | | |
| <p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-22</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-22</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p> | | |
| Application Papers | | |
| <p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input checked="" type="checkbox"/> The drawing(s) filed on <u>15 January 2002</u> is/are: a)<input checked="" type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p> Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.</p> <p> If approved, corrected drawings are required in reply to this Office action by evidence to the contrary.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p> | | |
| Priority under 35 U.S.C. §§ 119 and 120 | | |
| <p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> 1.<input type="checkbox"/> Certified copies of the priority documents have been received. 2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p> a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input checked="" type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p> | | |
| Attachment(s) | | |
| <p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____</p> | | <p>4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p> |

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Response to Amendment

1. The amendments filed 06/11/2003 have been entered. The Applicant's express abandonment of the commonly assigned Application 09/896,697 cancels the 35 USC 101 Double Patenting rejection applied against the claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendlandt et al. (U. S. Patent 5869839) and further in view of Peters (U. S. Patent 4336678).

Wendlandt et al. discloses an X-ray cassette comprising a shell 12 including

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upper and lower panels 14, 16, first and second side members 18 and 20 and a front end member 22. Members 18, 20, 22 join panels 14 and 16 to form a cavity having an open end 24. Cassette also includes a storage phosphor assembly 26 including a back end member 28, and an insert plate 30 which includes an aluminum honeycomb core 70 and outer aluminum skins 72, 74. The edge of the honeycomb core 70 is milled out around the entire perimeter to create a cavity in which inserts 76, 78, 80 (inserts 76, 80 are edge inserts) are glued. Inserts 76, 80 extend beyond the perimeter of the aluminum skins 72, 74 in order to absorb and distribute the forces exerted on the insert plate. The back end member 28 closes off the open end of the shell. The storage phosphor assembly is adapted to be removable from the shell.

Wendlandt et al. fails to disclose that the edge inserts contain at least one, or a plurality of recesses and shallow channels disposed thereon. However, one of ordinary skill in the art would have been motivated at the time the invention was made to apply the attachment configuration of Peters to affix the edge inserts to the insert plate, for it is taught that provides a secure and even distribution of the glue material, which enhances adhesion of the insert to the two surfaces. Peters discloses (in Fig. 13) that shallow channels 71 enhance the air flow, ventilation and the spreading of the glue along the side edges, 27 which combined with the vertical (on the edges) recesses 73 allow for the enhanced adhesion of two different surfaces. Since secure adhesion of the edge inserts and insert plate is sought, the method of Peters constitutes an ideal adhesion method which one of ordinary skill in the art would be motivate to apply. Different recess shapes are presented in the different embodiments of Peters, one of which is the curved, semicircular shape (Fig. 13). In the

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case of embodiment of Fig. 16, the channels 75 are disposed at an angle relative to the edge 79.

Regarding claims 5 and 16 Peters does not disclose the specific radius and spacing of the recesses, however this constitutes only a matter of design choice since Applicant did not disclose that having these specific values solves any stated problems and since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Response to Arguments

5. Applicant's arguments filed 07/11/2003 have been fully considered but they are not persuasive. The Applicant argues that the scallops 29 presented by the reference Peters is not the same as the recess of claims 1 and 15 because they are not formed the same way, i.e., the scallop is formed by compressing the edges of the web and the recess is formed by cutting away from the edge of the insert. This argument is not persuasive however, because for one, if a method of forming the recess on the edge of the insert is not claimed, any method that will have as a final product an indentation/recess/groove that is similar or identical to the one claimed will suffice since only the final product is claimed, and second because the embodiment that the rejection was based on is the one presented in Fig. 13 where instead of the scallops 29, actual grooves/channels/recesses 71, 73 are used. Also, the argument that none of the references solves the stated problem of reducing the damage from bending along the

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edges of a cassette when dropped is not persuasive because Peters in combination with Wendlandt et al. solves exactly that problem, i.e., the problem in the present Application is solved by gluing the two adjacent pieces together in such a fashion as to allow for a secure connection between them, and so the inventive step is the actual recess that will provide additional surface area for the glue to migrate and as such to promote adhesion between the surfaces (see page 6 of present Application). Peters is also solving the problem of insecure connections between two pieces by including grooves on the edge and surface of the piece to have the extra surface for the glue to spread. As such, both the present invention as well as the combination of references are looking to solve the same problem. Therefore, the claims still stand rejected as shown in detail above.

AMERICAN INVENTION

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Otilia Gabor whose telephone number is 703-305-0384. The examiner can normally be reached on Monday-Friday between 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on 703-308-4852. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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DAVID PORTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600